UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/549,435 | 09/15/2005 | Heather R. Schramm | J-3890 | 9476 |

28165 7590 12/08/2008

S.C. JOHNSON & SON, INC.
1525 HOWE STREET
RACINE, WI 53403-2236

| EXAMINER | |
|---|---|
| KASENGE, CHARLES R | |
| ART UNIT | PAPER NUMBER |
| 2121 | |
| MAIL DATE | DELIVERY MODE |
| 12/08/2008 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/549,435 | SCHRAMM ET AL. | |
| | Examiner | Art Unit | |
| | CHARLES R. KASENGE | 2121 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *02 September 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-31 and 33-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-11 and 21-25* is/are allowed.

6)☒ Claim(s) *12-18,26-31,33-39 and 41-44* is/are rejected.

7)☒ Claim(s) *13,19,20 and 40* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 September 2005 and 02 September 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see Remarks, filed 9/2/08, with respect to the rejection(s) of claim(s) 1-31 and 33-44 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Dillenback U.S. Patent 6,766,651.

### *Claim Objections*

2. Claim 13 objected to because of the following informalities: It appears the claim should be dependent on claim 12. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 12-18, 26-31, 33-39 and 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillenback U.S. Patent 6,766,651.

Regarding claim 12, Dillenback discloses a volatile substance dispensing system comprising: a plurality of electromechanical volatile substance dispensers configured to dispense volatile substances from a plurality replaceable volatile substance reservoirs, respectively, when the plurality of volatile substance reservoirs are loaded in the dispensing system so as to

communicate a volatile substance to each respective dispenser (Fig. 1; col. 5, lines 28-41); a microprocessor for controlling the plurality of electromechanical volatile substance dispensers to emit volatile substances from the plurality of volatile substance reservoirs according to one or more set programs(col. 7, lines 26-43; Fig. 3, wherein the program cycles are the set programs); and a user interface to enable a user to instruct the plurality of electromechanical volatile substance dispensers to dispense the volatile substances from the respective plurality of replaceable volatile substance reservoirs according to the one or more set programs (col. 7, lines 26-43), wherein the microprocessor controls the plurality of volatile substance dispensers to perform at least one of (i) repetitive alternation between independent emissions of different volatile substances, (ii) repetitive alternation between emissions of different combinations of volatile substances, or (iii) repetitive alternation between different emission intensities of at least one volatile substance, in a set pattern (Fig. 3, wherein the system dispenses the same way each day, thereby being a repetitive alteration).

Regarding claim 26, 35, 36 and 44, Dillenback discloses a volatile substance dispensing system comprising: at least one electromechanical dispenser configured to dispense volatile substance from a replaceable volatile substance reservoir when the volatile substance reservoir is loaded in the volatile substance dispensing system, the volatile substance reservoir including information relating to the type of volatile substance contained therein (Fig. 1; col. 5, lines 28-57); at least one reading device for reading the information from the volatile substance reservoir relating to the type of volatile substance stored therein (col. 8, lines 46-55); a user interface to allow a user to adjust an emission from the volatile substance reservoir and enable the user to switch between different programs for controlling the emission from the volatile substance

reservoir (col. 7, lines 26-43); and a microprocessor for controlling the electromechanical dispenser to emit a volatile substance from the volatile substance reservoir, the microprocessor receiving one or more signals from the reading device relating to the information read from the reservoir, wherein the microprocessor controls the emission of the volatile substance from the reservoir based on the one or more signals received from the reading device wherein each of the signals corresponds to one of the different set programs (col. 7, lines 26-43; col. 8, lines 46-55; Fig. 1).

Regarding claims 28 and 37, Dillenback discloses the reading device that reads information relating to the volatile substance contained within the reservoir.

Regarding claims 12, 26, 35, Dillenback discloses a user interface that enables the user to adjust emission (col. 7, lines 35-43) and switch between different set programs (col. 7, lines 26-35), but does not expressly disclose using a knob and/or lever. Regarding claims 28 and 37, Dillenback does not disclose using flash memory.

Official notice is taken that replacing keypad button presses with a knob and/or lever and replacing machine readable indicia with flash memory was well known at the time the invention was made in the analogous art of data inputs and data storage.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a knob and/or lever and flash memory. One of ordinary skill in the art would have been motivated to do this since it is typical for many types of data input devices to be used in the alternative to keypads, such as touchscreen, buttons, knob, levers, etc and flash memory has the advantage of being able to transmit more data to the computer system.

Therefore, it would have been obvious to modify Dillenback to obtain the invention as specified in claims 12, 26, 28, 35 and 37.

Regarding claims 13, 29 and 41, Dillenback discloses a volatile substance dispensing system according to claim 7, wherein the dispensing system further includes a continuous action air freshener (col. 2, lines 23-36).

Regarding claims 14, 30 and 42, Dillenback discloses a volatile substance dispensing system according to claim 12, wherein the volatile substance is selected from the group consisting of fragrance, insect repellant, insecticide, disinfectant, sanitizer, and water (col. 2, lines 23-36).

Regarding claim 15, Dillenback discloses a volatile substance dispensing system according to claim 12, wherein the volatile substance is a fragrance, and the set pattern reduces fragrance fatigue by a user (col. 2, lines 23-36).

Regarding claims 16, 31 and 43, Dillenback discloses a volatile substance dispensing system according to claim 12, further comprising a sensor for sensing at least one of light intensity, airborne chemicals, humidity, sound, motion, and temperature, wherein the microprocessor controls the emission of the volatile substances at least partially based on information relating to a sensed condition output from the sensor (col. 4, lines 32-40; col. 8 and 9, lines 63-3).

Regarding claim 17, Dillenback discloses a volatile substance dispensing system according to claim 12, further comprising a user interface, wherein the user interface allows a user to instruct the microprocessor to control the emission of the volatile substances (Fig. 3).

Regarding claim 18, Dillenback discloses a volatile substance dispensing system according to claim 12, wherein the microprocessor controls the plurality of volatile substance dispensers (i) to emit intermittent bursts of a first volatile substance over a first period of time, (ii) to emit intermittent bursts of a second volatile substance over a second period of time following the first period of time, and (iii) to repeat the first and second periods (col. 6, lines 42-54, wherein the cycle repeats the next day).

Regarding claim 27, Dillenback discloses a volatile substance dispensing system according to claim 26, wherein the reading device comprises an optical scanner that reads a bar code displayed on the reservoir (col. 8, lines 46-55).

Regarding claims 33 and 38, Dillenback discloses a volatile substance dispensing system according to claim 26, further comprising: a plurality of electromechanical dispensers, each configured to dispense a volatile substance from a respective, replaceable volatile substance reservoir when the volatile substance reservoir is loaded in the volatile substance dispensing system, each volatile substance reservoir including information relating to the volatile substance contained therein (col. 5, lines 28-57; Fig. 1); and a plurality of reading devices for reading the information from each of the reservoirs, respectively, and each sending one or more signals to the microprocessor relating to the read information, wherein the microprocessor controls each of the electromechanical dispensers to emit volatile substance based on the one or more signals received from each reading device (col. 8, lines 46-55; Fig. 1).

Regarding claims 34 and 39, Dillenback discloses a volatile substance dispensing system according to claim 33, wherein the microprocessor controls the plurality of electromechanical dispensers to emit a coordinated combination of volatile substance from different reservoirs

based on the receiving signals from the different reservoirs (col. 5, lines 28-57; Fig. 1).

### *Allowable Subject Matter*

5. Claims 1-11 and 21-25 are allowed.

6. Claims 19, 20 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES R. KASENGE whose telephone number is (571)272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on 571 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CK
December 4, 2008

/Charles R Kasenge/
Examiner, Art Unit 2121